

ESTTA Tracking number: **ESTTA657686**

Filing date: **02/24/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Cavium, Inc.
Granted to Date of previous extension	02/25/2015
Address	2315 N. First Street San Jose, CA 95131 UNITED STATES
Attorney information	FARAH P BHATTI BAKER & HOSTETLER LLP 600 ANTON BOULEVARD, SUITE 900 COSTA MESA, CA 92626 UNITED STATES trademarks@bakerlaw.com, fbhatti@bakerlaw.com Phone:714.966.8868

### Applicant Information

Application No	79152000	Publication date	10/28/2014
Opposition Filing Date	02/24/2015	Opposition Period Ends	02/25/2015
International Registration No.	1215938	International Registration Date	03/11/2014
Applicant	CERTILOGO SPA Piazza Cadorna, 9  ITALY		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Electric and electronic control apparatus for the remote control of servers mainframes; computer cursor control devices, namely, computer mouse, light pen and trackballs; computer access control security systems, namely, computer systems comprised of computer hardware and software for permitting or restricting access to data processing systems; electronic payment terminals; software for the access control to computers; electronic security systems and terminals comprising software and hardware for providing picture and video to a remote station; hardware and software for encoding keys and digital certificates; electronic apparatus for the generation and/or verification of digital signatures; software for secured data storing and retrieving; anti-counterfeit electronic systems and anti-falsification electronic systems, namely, electronic systems comprised of computer hardware and software that matches individual software applications and data via unique numerical codes to prevent false and/or counterfeit access; bar code readers; magnetic coding devices, namely, electronic coding units; computer software for the identification, marking, certification and tracking of products; computer software for protection against counterfeiting and commercial fraud; electronic security systems, namely, computer systems comprised of hardware and software for the application of unique holograms to data for preventing brand

and product piracy, counterfeiting and commercial fraud; computer software to protect against unauthorized access to databases and other digitally stored information; magnetic encoded credit cards; electronic encoded chip cards used for the purchase of goods and services; computer software platforms for data processing systems, of payment management for web sites and/or electronic sale; memory cards; printers for computers, computer cursor control devices, namely, computer mice, digitizer tablets, light pens, touch pads, trackballs; computer storage devices, namely, blank flash drives, portable computers

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85332402	Application Date	05/27/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AUTHENTIK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Feature of a computer chip which prevents the execution of unauthorized software and prevents the unauthorized manufacturing of finished products using the chip		

Attachments	85332402#TMSN.png( bytes ) Notice of Opposition - I CHOOSE AUTHENTIC.pdf(113345 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/fbhatti/
Name	FARAH P BHATTI
Date	02/24/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Cavium, Inc.  <div style="text-align: center;">Opposer,</div> v.  Certilogo SPA.  <div style="text-align: center;">Applicant.</div>	Opposition No.: _____ Serial No.: 79/152000  Mark: I CHOOSE AUTHENTIC
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UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re:    Application No. 79/152000  
      Mark:           I CHOOSE AUTHENTIC  
      Applicant:     Certilogo SPA  
      Filed:          March 11, 2014  
      Published:     October 28, 2014  
      For:            Electric and electronic control apparatus for the remote control of  
                      servers mainframes; computer cursor control devices, namely,  
                      computer mouse, light pen and trackballs; computer access control  
                      security systems, namely, computer systems comprised of computer  
                      hardware and software for permitting or restricting access to data  
                      processing systems; electronic payment terminals; software for the  
                      access control to computers; electronic security systems and  
                      terminals comprising software and hardware for providing picture  
                      and video to a remote station; hardware and software for encoding  
                      keys and digital certificates; electronic apparatus for the generation  
                      and/or verification of digital signatures; software for secure data  
                      storing and retrieving; anti-counterfeit electronic systems and anti-  
                      falsification electronic systems, namely, electronic systems comprised  
                      of computer hardware and software that matches individual software  
                      applications and data via unique numerical codes to prevent false  
                      and/or counterfeit access; bar code readers; magnetic coding devices,  
                      namely, electronic coding units; computer software for the  
                      identification, marking, certification and tracking of products;  
                      computer software for protection against counterfeiting and  
                      commercial fraud; electronic security systems, namely, computer  
                      systems comprised of hardware and software for the application of

unique holograms to data for preventing brand and product piracy, counterfeiting and commercial fraud; computer software to protect against unauthorized access to databases and other digitally stored information; magnetic encoded credit cards; electronic encoded chip cards used for the purchase of goods and services; computer software platforms for data processing systems, of payment management for web sites and/or electronic sale; memory cards. printers for computers, computer cursor control devices, namely, computer mice, digitizer tablets, light pens, touch pads, trackballs; computer storage devices, namely, blank flash drives, portable computers, Class 9.

Design and creation of internet sites for third parties; quality control and quality guarantee of production processes for others; online security services, namely, restricting access to information systems and information security systems, and online security services for data processing networks, data processing accesses and computerized transactions; quality control for others; testing, analysis and evaluation recognized at national and international levels of the goods and services of others for the purpose of certification; technical and technological computer consultancy in the field of identification, marking, certification and tracking of products; computer programming; computer rental; updating of computer software; computer software design; development of data processing software; consultancy in the field of computer hardware; planning, development, operation and maintenance of computer software systems for the purpose of fighting counterfeiting, for the purpose of marking, identifying, certifying and tracking of products; planning and layout design for the interior space of retail business establishments; technical consultancy in software development for anti-counterfeiting purposes; technical consultancy in software development for the marking, identifying, certifying and tracking of products; technical computer consultancy in the field of knowledge and information management solutions for anti-counterfeiting purposes, Class 42

Intellectual property consultation; legal services, Class 45

### **NOTICE OF OPPOSITION**

Cavium, Inc., a Delaware Corporation, having its offices at 2315 N. First Street, San Jose, California, 95131 (“Opposer”) believes it will be damaged by registration of the mark I CHOOSE AUTHENTIC covered by U.S. Application No. 79/152000 filed by Certilogo SPA (hereinafter “Applicant’s Mark”).

The grounds for this Opposition are as follows:

1. Opposer is the owner of U.S. Trademark Serial No. 85/332402 for the mark AUTHENTIK, which was filed on May 27, 2011 and published for opposition on October 25, 2011.

2. Opposer has used the mark AUTHENTIK since at least as early as November, 2010.

3. Opposer has used the AUTHENTIK mark ("Opposer's Mark") for, *inter alia*, a feature of a computer chip which prevents the execution of unauthorized software and prevents the unauthorized manufacturing of finished products using the chip ("Opposer's Goods").

4. Opposer began promoting its goods under the AUTHENTIK mark in November, 2010 and has continuously used the mark in interstate commerce since that time. On information and belief, Opposer's first use of the AUTHENTIK marks pre-dates Applicant's first use (or any use) of Applicant's Mark.

5. Opposer's Mark is recognized, known and associated with Opposer's Goods. Moreover, Opposer's Mark is being used in advertising and promoting Opposer's Goods in the relevant industries.

6. Since its initial adoption of Opposer's Mark, Opposer has made a substantial investment in advertising and marketing its goods under Opposer's Mark. Opposer has used, advertised, promoted and offered for sale Opposer's Goods under Opposer's Mark. As a result of Opposer's use and promotion of Opposer's Mark, Opposer's Mark is becoming well-known in the industry and in interstate commerce.

7. On information and belief, on March 11, 2014, Applicant filed Application Serial No. 79/152000 for the mark I CHOOSE AUTHENTIC under Section 66A for the following goods and services: Electric and electronic control apparatus for the remote control of servers mainframes; computer cursor control devices, namely, computer mouse, light pen and trackballs; computer access control security systems, namely, computer systems comprised of computer hardware and software for permitting or restricting access to data processing systems; electronic payment terminals; software for the access control to computers; electronic security systems and terminals comprising software and hardware for providing picture and video to a remote station; hardware and software for encoding keys and digital certificates; electronic apparatus for the generation and/or verification of digital signatures; software for secure data storing and retrieving; anti-counterfeit electronic systems and anti-falsification electronic systems, namely, electronic systems comprised of computer hardware and software that matches individual software applications and data via unique numerical codes to prevent false and/or counterfeit access; bar code readers; magnetic coding devices, namely, electronic coding units; computer software for the identification, marking, certification and tracking of products; computer software for protection against counterfeiting and commercial fraud;

electronic security systems, namely, computer systems comprised of hardware and software for the application of unique holograms to data for preventing brand and product piracy, counterfeiting and commercial fraud; computer software to protect against unauthorized access to databases and other digitally stored information; magnetic encoded credit cards; electronic encoded chip cards used for the purchase of goods and services; computer software platforms for data processing systems, of payment management for web sites and/or electronic sale; memory cards. printers for computers, computer cursor control devices, namely, computer mice, digitizer tablets, light pens, touch pads, trackballs; computer storage devices, namely, blank flash drives, portable computers; Design and creation of internet sites for third parties; quality control and quality guarantee of production processes for others; online security services, namely, restricting access to information systems and information security systems, and online security services for data processing networks, data processing accesses and computerized transactions; quality control for others; testing, analysis and evaluation recognized at national and international levels of the goods and services of others for the purpose of certification; technical and technological computer consultancy in the field of identification, marking, certification and tracking of products; computer programming; computer rental; updating of computer software; computer software design; development of data processing software; consultancy in the field of computer hardware; planning, development, operation and maintenance of computer software systems for the purpose of fighting counterfeiting, for the purpose of marking, identifying, certifying and tracking of products; planning and layout design for the interior space of retail business establishments; technical consultancy in software development for anti-counterfeiting purposes; technical consultancy in software development for the marking, identifying, certifying and tracking of products; technical computer consultancy in the field of knowledge and information management solutions for anti-counterfeiting purposes; Intellectual property consultation; legal services. The application was published for opposition in the *Official Gazette* on October 28, 2014 Opposer filed an Extension of Time to Oppose which was granted until February 25, 2015. Therefore, this Opposition is being timely filed.

8. The Applicant's application was filed under Section 66A of the Trademark Act and hence, on the Opposer's information and belief, Applicant does not have prior rights in the I CHOOSE AUTHENTIC mark.

9. On information and belief, Opposer believes that prior to 2010, Applicant did not use Applicant's Mark in connection with any goods or services.

10. Applicant's Mark is substantially similar to Opposer's Mark and therefore, when and if used in connection with the goods or services set forth in the Applicant's application, it is *inter alia*, likely to cause confusion, or to cause mistake, or to deceive purchasers and potential purchasers within the meaning of 15 U.S.C. §1052(d).

11. Applicant's Mark is confusingly similar to Opposer's Mark. The overall commercial impression conveyed by Applicant's Mark is similar to Opposer's Marks.

12. The goods in Applicant's Mark are similar and related to Opposer's Goods with which Opposer uses Opposer's Marks. Applicant's use and registration of Applicant's Mark in connection with its goods is likely to cause confusion, deception and/or mistake among the relevant public.

13. The channels of distribution employed by Opposer and Applicant are similar, and the classes of customers sold to by Opposer and Applicant are similar. Therefore, purchasers of Applicant's products are likely to believe or be confused or deceived into thinking that Applicant's products also originate with or are in some way associated with, sponsored by or authorized by Opposer, and registration of Applicant's Mark is likely to cause confusion or mistake or to deceive, all to the injury of Opposer.

14. Applicant's use and registration of Applicant's Mark is likely to falsely suggest a connection with Opposer and Opposer's Mark.

15. Applicant's use and registration of Applicant's Mark interferes with Opposer's Mark and will damage Opposer, its business and its goodwill.

WHEREFORE, Opposer requests that registration sought by Applicant be denied and that this Opposition be sustained.

Please charge Deposit Account No. 502036 to cover the opposition fee and any additional fees which may be required, or credit any overpayment to this account.

Dated: February 24, 2015

Respectfully Submitted,

**Cavium, Inc.**

\_\_\_\_\_/fbhatti/  
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**CERTIFICATE OF SERVICE**

Opposer, Cavium, Inc. hereby certifies that a copy of this NOTICE OF OPPOSITION has been served upon counsel for Applicant Certilogo SPA on this 24<sup>th</sup> day of February, 2015, by First Class U.S. Mail, postage prepaid, at the following address:

Murgitoyd & Company  
Piazza Borromeo, 12  
I-20123 MILANO  
Italy

\_\_\_\_\_/fbhatti\_\_\_\_\_  
Attorney for Opposer